

**7908. Misbranding of Nuvim. U. S. v. 9 Jugs of Nuvim and a Number of Circulars. Default decree of condemnation and destruction. (F. D. C. No. 15151. Sample No. 11208-H.)**

**LIBEL FILED:** February 8, 1945, District of Massachusetts.

**ALLEGED SHIPMENT:** By Nuvi-T-Min, Inc., from Toledo, Ohio. The circulars and the Nuvim were shipped on or about August 15 and December 9, 1944, respectively.

**PRODUCT:** 9 1-gallon jugs of Nuvim and a supply of circulars entitled "Nuvim Food Minerals and Your Body," at Waltham, Mass. Examination of a sample from this consignment showed that the product consisted of water, with small amounts of sodium sulfate, calcium hydroxide, and phosphates. The product did not contain iron, as stated in the label.

**LABEL, IN PART:** (Jugs) "Nuvim Artificial Mineral Water."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the following label statement was misleading since it created the impression that the product would supply significant quantities of the minerals named: "Minerals Added, Potassium Diphosphate, Calcium Phosphate, Magnesium Phosphate, Calcium Hydroxide (Lime), Silicon Dioxide, Sodium Phosphate, Potassium Iodide, Zinc Sulphate, Sodium Sulphate, Manganese Chloride, Ferric Phosphate, Cobalt Sulphate, Potassium Chloride"; and this impression was not corrected by the statement appearing on another portion of the label in very small type, "Calcium Hydroxide and Sodium Sulphate predominate in this water. Other elements in minute quantities."

Further misbranding, Section 403 (a), the label designation "Nuvim" and the following statements in the circular entitled "Nuvim Food Minerals and Your Body," which related to and accompanied the product, were false and misleading since the product would not create new vim, as the designation implied, and since it would not be effective in producing the results stated and implied by the labeling: "NUVIM FOOD MINERALS and YOUR BODY EVERY BODILY FUNCTION USES OR DEPENDS UPON FOOD MINERALS 'The Chief Fault of Many American Diets Is That They Provide too LITTLE of the Essential MINERALS \* \* \*' 'The ESSENTIAL INORGANIC ELEMENTS That Are None Too Abundantly or Widely Distributed In Ordinary Foods Are Those Most Frequently Involved In DEFICIENCY DISEASES. These Include IRON \* \* \* CALCIUM, and PHOSPHORUS' \* \* \* MINERAL ELEMENTS CERTAIN MINERAL ELEMENTS ARE ESSENTIAL TO NORMAL FUNCTIONING OF THE TISSUES \* \* \* Since many of the foods used in the average diet of a large proportion of the people of this country are low in mineral content due either to being too highly refined and possibly overcooked, or to the fact that the food products have been grown on soil which has had its minerals well exhausted by continued crop growth over many seasons, then the use of NUVIM ARTIFICIAL MINERAL WATER is to be highly recommended in order that the body may be assured of receiving an adequate supply of these vital mineral salts. The body is constantly losing some of each mineral element. It is necessary to replace this loss through diet or by drinking NUVIM MINERAL WATER, or the health of the body will not be maintained. Minerals enter into the composition of every living cell, they determine the vital processes of oxidation, secretion, development, and reproduction. Phosphorus and Iron, indispensable to every active cell, are prominent examples of such controlling elements. ESSENTIAL VITAMINS AND MINERALS PRESENT IN THE ORGANS OF THE BODY HAIR \* \* \* TEETH \* \* \* THROAT \* \* \* LIVER \* \* \* BRAIN \* \* \* EYES \* \* \* COMPLEXION AND SKIN \* \* \* THYROID GLAND \* \* \* CLEAR SKIN COMPLEXION TEETH BONES LIGAMENTS JOINTS NAILS SHAPELINESS HEART PERFECT DIGESTION HAIR EYES PURE BLOOD STEADY NERVES 'It is just a matter of keeping a balance!' GALL BLADDER \* \* \* STOMACH AND DIGESTIVE TRACT \* \* \* INTESTINAL TRACT \* \* \* MUSCLES \* \* \* BONES \* \* \* HEART ADRENAL GLAND \* \* \* KIDNEYS \* \* \* FINGER NAILS \* \* \* BLOOD STREAM \* \* \* VITAL FUNCTIONS OF SOME OF THE MINERALS \* \* \* SULFUR: Acts on the liver, blood vessels and nerve tissues; beautifies the complexion; regulates innervation; is essential to the hair, nails, skin and to the cornea of the eye; purifies and tones the system; warms the skin. Sulfur is vitally necessary to the metabolism of the human system. Certain organic sulfur-containing compounds, which the body must produce from the sulfur present in our diets, are important biologically, e. g. thiocyanate in the saliva and other fluids, taurocholic acid in bile, thioneine of the blood corpuscles, and glutathione which is present in every cell of the body and is concerned with oxidation. Sulfur is contained in

thiamine (vitamin B-1). IRON: Makes red blood, rosy cheeks and clear complexion; supplies energy and vitality; absorbs and aids in transport of oxygen; nourishes tissues from the blood stream. Iron along with traces of Copper is essential for the production of blood in the body, and for tissue respiration; is necessary to prevent anemia. PHOSPHORUS: Acts on the bone and brain; strengthens mental powers; improves the nutrition of nerve tissue, especially heart tissue; agent of life and growth; aids in the growth of hair; is essential to the functioning of certain vitamins in the body. Phosphorus is indispensable for the formation of bones, teeth, nerves and the cells of the brain. Normal amounts of this mineral along with Calcium and Vitamin D are necessary to prevent rickets and other bone diseases. Phosphorus is essential to the metabolism of carbohydrates and fats. POTASSIUM: Aids in the digestion of fats; produces alkalinity; stimulates the liver; necessary for growth; has a regulating effect upon the heart and on muscular contractions; its presence in the red blood cells is of vital importance. CALCIUM: Builds bones, muscles and teeth; counteracts acid, aids vitality, soothes the nerves and decreases nervousness; stimulates courage; is necessary for the proper functioning of the muscles and in the clotting of blood, thus assisting in preventing hemorrhaging; is required for the normal beating of the heart. SODIUM: Checks fermentation; prevents clotting of blood; stimulates the spleen; regulates heat in body fluids; excites the stomach and bowels to greater action; neutralizes acids; helps to maintain osmotic equilibrium in the tissues, and in keeping the proteins of the cells in solution and in the proper degree of dispersion for normal function; protects body tissues against excessive loss of water. MAGNESIUM: Promotes cell building in nerve matter; promotes excretions; aids in preventing constipation; is essential for steadying the nerves by depressing nervous irritability; helps to overcome brain fatigue; stimulates the liver and reduces temper; is indispensable for all living cells; is of fundamental importance in the digestion of carbohydrates (starches and sugars) and fats, for muscular action and for yeast fermentation in the body; is known to be required in blood building, and is also essential for the maintenance of healthy teeth. SILICON: Protective to skin and body; increases hair growth; aids in regulating enamel on teeth; necessary in the growth of teeth and nails; stimulates the brain; gives grace to the body, sparkle to the eyes; beauty promotor. CHLORINE: Helps expel waste; assists in cleansing and purifying the system; is found combined with Sodium in the blood and exercises some influence upon metabolism, and helps to maintain osmotic pressure in blood and tissues; aids in the regulation and stimulation of muscular action; is present in the hydrochloric acid of the gastric juice; aids digestion; activates body enzymes (accelerators of specific functions) and is essential to normal gastric secretion, and to the maintenance of normal heart action. FLUORINE: Active in building strength into bone structures; acts strongly on the spleen, teeth, and enamel of teeth; helps to protect us from germs and infections; aids in preserving youthfulness in youth and old age. IODINE: \* \* \* aids in overcoming albuminous toxins in blood; stimulates gland and cell action; \* \* \* MANGANESE: Acts upon the nerve and brain cells; increases the ability to read small print and to notice objects at a greater distance; strengthens memory; quickens coordination of thought and action; is necessary for reproduction and growth and normal functioning of the human body; gives stability to the bone structure of the body; in some way it controls the body's ability to utilize the vitamin B complex; is one of the minerals necessary in the formation of the colored pigment in hair, and thus required to prevent hair from graying. ZINC: Has value in increasing the bodily resistance to tumors; required for tissue respiration (breathing); is also of vital importance in the proper utilization of vitamin B-1 (thiamine chloride) by the human system. It seems that unless there are sufficient amounts of zinc present in the body that intestinal absorption is retarded and the rate of growth decreased. COBALT: Required for normal growth, normal appetite and normal skin; assists in increasing the red blood corpuscles; is necessary to prevent scaly skin and muscular degeneration. COPPER: One of the minerals required in small amounts by the body in producing the color pigment (melanin) in hair, and thus is necessary to prevent the graying of hair; assists in the using of iron for the formation of hemoglobin of blood; aids tissue respiration; stimulates the growth of red blood cells assisting in the prevention of anemia."

Further misbranding, Section 403 (j), the product purported to be a food for special dietary uses by reason of its calcium, phosphorus, iron, and iodine content, and its label failed to bear a statement, as required by the regulations, of the proportion of the minimum daily requirements for such minerals which

would be supplied by the product when consumed in a specified quantity during the period of 1 day.

DISPOSITION: March 24, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**7909. Misbranding of Bro-Sak Cereal Sugars. U. S. v. 98 Cartons of Bro-Sak Cereal Sugars and 1,000 Circulars and 2,000 Leaflets. Default decree of condemnation. Product ordered delivered to a public institution; literature ordered destroyed. (F. D. C. No. 13364. Sample No. 70670-F.)**

**LIBEL FILED:** August 24, 1944, Western District of Washington.

**ALLEGED SHIPMENT:** By the Bro-Sak Products Co., from New Rochelle, N. Y. The sugars and circulars were shipped on or about April 13, 1944, and the leaflets were received by the consignee on or about May 29, 1944.

**PRODUCT:** 41 ½-pound cartons, 45 1-pound cartons, 2 2½-pound cartons, and 10 5-pound cartons of Bro-Sak Cereal Sugars, together with 1,000 circulars entitled "Healthful and Exhilarating Uses for Bro-Sak" and 2,000 leaflets entitled "To Health Seekers," at Seattle, Wash.

Analysis showed that the product consisted essentially of corn sugar (dextrose), with small quantities of calcium, magnesium, and sodium compounds, including phosphates and carbonates.

**LABEL, IN PART:** "Bro-Sak Cereal Sugars. Active Ingredients Isomers No. 2-7-10 Sodium Phosphate Magnesium Carbonate Calcium Phosphate."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a); the labeling statements quoted below were false and misleading since the article was not a natural sugar, but was a mixture of corn sugar with added chemical salts; it could not be used as a substitute for sugar in cases where sugar must be avoided or restricted; and it would not effect the results stated or implied: (Cartons) "Life Giving Non-Toxic Sugar" A NATURAL FOOD SUGAR \* \* \*"; (circular) "AN 'ALKALINE' INSTEAD OF A 'TOXIC' SUGAR. BRO-SAK is an alkaline sugar—used for all purposes in place of ordinary acid forming sugar. People restricted in the use of refined sugar will find BRO-SAK enjoyable and effective in any form of faulty metabolism: the most prominent of which are—Acidosis, Rheumatism, Overweight, Gall Bladder trouble and Diabetes. \* \* \* It overcomes the acidity in Strawberries enabling people to enjoy this popular fruit with no acid effect because of the alkaline reaction of BRO-SAK. \* \* \* As an alkalizer \* \* \* INSOMNIA OR RESTLESS NIGHTS. Squeeze the juice from a Grape Fruit—then add three or four teaspoonfuls of BRO-SAK. This gives a most soothing effect and will aid in overcoming Insomnia and restless nights"; (leaflet) "'ACID' CONDITIONS ROB YOU OF HEALTH: You must check an over-acid condition for it helps to bring many illnesses. When you are troubled with sour stomach, after-meal heaviness, dizzy spells, nervousness, fitful, unrestful sleep, depressed feeling and bowel sluggishness, these symptoms need your attention, so act promptly. Change to Bro-Sak Alkaline sugar. It is particularly needed in these cases. Bro-Sak has been extremely effective in cases of Diabetes, Overweight, Acidosis, Rheumatism, Gall Bladder trouble and for people who are restricted in the use of refined sugar. You will find Bro-Sak, an alkaline sugar, will help you immeasurably because it differs from ordinary sugar. This change is necessary because of present-day eating habits and the lack of minerals in the same kind of vegetables from different soils. Bro-Sak helps to furnish body minerals which nature is failing to provide. Bro-Sak contains the inorganic 'fixator' necessary for proper body functions which may be likened to the vitamins of the organic kingdom. It also contains the correct amount of Calcium required for the daily diet and is combined with Phosphorus to make these minerals of the greatest value to the body. They should be inseparable. Vitamins to be thoroughly effective must be in combination with minerals, and vitamins should never be taken on an empty stomach. When you start using Bro-Sak you at once reduce the strain from every body organ, conserving oxygen to better oxidize your foods. The oxygen taken into the body during a 24 hour period will oxidize or burn up food of about 2300 calories or heat units. The intake of food should be in about these proportions, Carbohydrate, 5 oz.; Fats, 3½ oz.; and Protein, 5 oz. So instead of feeling dull, gloomy and depressed you feel bright, alert, glad to be alive. Your system absorbs Bro-Sak so quickly and easily that results are speedily apparent. There is no long waiting for these benefits. a. Points to remember: Bro-Sak is strictly a carbohydrate food made from sunlight cereals with essential body minerals in the correct proportion, that neutralize acids and keep the system in a normal alkaline condition; with calcium and phosphorus for bones, teeth and ligaments.